

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION (LAFAYETTE)**

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THE LAFAYETTE LIFE INSURANCE COMPANY, :
MERCY RIDGE, INC., AMERICAN BANK, and all :
others similarly situated, :
:
Plaintiffs, :
:
- against - : No. 4:09-CV-64-TLS-APR
:
CITY OF MENASHA, WISCONSIN, a municipal :
corporation, MENASHA UTILITIES, MENASHA :
STEAM UTILITY, and RBC CAPITAL MARKETS :
CORP. f/k/a RBC DAIN RAUSCHER, INC., :
:
Defendants. :
-----X

**NOTICE IN RESPONSE TO PLAINTIFFS' NOTIFICATION OF SETTLEMENT OF
CLASS ACTION**

Defendants City of Menasha, Menasha Utilities and Menasha Steam Utility
("Menasha") respectfully submit this notice in response to the notice filed by plaintiffs
today pursuant to Local Rule 16.1(g). See Dkt. No. 124.

Plaintiffs' notice, which was filed without consultation with or even notice to the
City, contains certain inaccuracies that Menasha wishes to bring to the Court's
attention. The parties have exchanged an unsigned, non-binding term sheet containing
the material terms of a possible class-wide settlement of this suit. A settlement, however,
is subject to various contingencies, including: (1) execution of a definitive class action
settlement agreement, and (2) the closing of a separate transaction that has not taken
place, the proceeds of which are to be applied to the proposed settlement. A settlement

would also be contingent on certification of a class and approval by the Court, and various other conditions to be set forth in the settlement agreement.

Dated: February 18, 2011

/s/ Alice J. Springer

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*Attorneys for Defendants City of Menasha,
Menasha Utilities, and Menasha Steam
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CERTIFICATE OF SERVICE

I hereby certify that on February 18, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

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